



Practitioner's Pocket No. MPI00-537OMNIRCEM

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Sean A. McCarthy et al.
Application No.: 09/766,511 Group No.: 1646
Filed: January 19, 2001 Examiner: Jiang, Dong
For: NUCLEIC ACIDS ENCODING TANGO405 AND FUNCTIONAL FRAGMENTS
AND USES THEREOF (as amended)

**Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

AMENDMENT UNDER 37 C.F.R. §1.114

Sir,

In response to the final Office Action mailed April 19, 2005, and pursuant to 37 C.F.R. § 1.114, please enter and consider the remarks and amendments below intended to put this application into form for allowance.

An Amendment After Final and Notice of Appeal with a Petition for Extension of Time and the appropriate fees were filed on October 19, 2005. The Brief on Appeal was initially due

CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) and 1.10*

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Serial Number: 09/766,511

on December 24, 2005. An extension of time to file the Brief on Appeal is respectfully requested. A Petition for Extension of Time and the appropriate fee are being filed concurrently with this Amendment, and a Request for Continued Examination (RCE) is being filed in lieu of a Brief on Appeal. Applicants note that an Amendment was filed on January 24, 2006, however the Request for Continued Examination papers were inadvertently omitted, hence Applicants are re-submitting herewith the same amendment with a further extension of time and the Request for Continued Examination.

This Amendment addresses issues raised in the Final Office Action dated April 19, 2005 and in the Advisory Action dated December 29, 2005. Reconsideration and further examination are requested.

Amendments to the claims begin on page 3 of this paper.

Amendments / Remarks begin on page 5 of this paper.